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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/722,178

11/25/2003

James Stephen Mason

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7590

04/20/2005

IBM Corp, IP Law
Dept L2PA/014-2
5600 Cottle Road
San Jose, CA 95193

EXAMINER

NGUYEN, HAI L

ART UNIT

PAPER NUMBER

2816

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/722,178

Applicant(s)

MASON, JAMES STEPHEN

Examiner

Hai L. Nguyen

Art Unit

2816

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 8-11 is/are rejected.
- 7) ☒ Claim(s) 4-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

page 1, line 11, "resister" should be changed to --resistor--; and

page 1, line 12, "and C" should be changed to --and C2--.

Appropriate correction is required.

Claim Objections

2. Claim 11 is objected to because of the following informalities: "passive resistor" should be changed to --active resistor--, because there is no "passive resistor" in the base claim 10.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art (APA), Fig. 1 in the present application, in view of Welland (US 6,483,390).

With regard to claims 1 and 10, the admitted prior art in Fig. 1 shows a semiconductor Type Two phased locked loop filter, and a method of use thereof, having a passive capacitor part (C1, C2) and an resistor part (R1). Fig. 1 of the prior art meets all the claimed limitations except

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that the resistor part is a passive resistor instead of an active resistor as recited in the claim.

Welland teaches in Figs. 17A-17B a circuit having active resistor (1702), which is integrated with the passive capacitor (C1, C2), as a variable resistance device. Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to utilize that teaching of Welland in the prior art (Fig. 1) for the advantage of being able to tune the filter circuit.

With regard to claims 2-3 and 8, the references (Welland) also meet the recited limitations in these claims.

With regard to claim 9, the admitted prior art in Fig. 1 shows a semiconductor phased locked loop system comprising a charge pump; a voltage controller oscillator; and a Type Two filter comprising a passive capacitor part (C1, C2) and a resistor part (R1). Fig. 1 of the prior art meets all the claimed limitations except that the resistor part is a passive resistor instead of an active resistor as recited in the claim. Welland teaches in Figs. 17A-17B a circuit having active resistor (1702), which is integrated with the passive capacitor (C1, C2), as a variable resistance device. Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to utilize that teaching of Welland in the prior art (Fig. 1) for the advantage of being able to tune the filter circuit.

With regard to claim 11, the references (Welland) also meet the recited limitation in the claim. Since there is no special step for manufacturing of resistor components is disclosed.

Allowable Subject Matter

5. Claims 4-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to disclose or fairly suggest a semiconductor Type Two phased locked loop filter, as recited in claim 4, having specific structural limitations such as a regulator circuit (U1, U2, T2, Iref), wherein the Type Two phased locked loop filter operates from a voltage (From Charge Pump/ To VCO) and the active resistor part (T1) is controlled by a regulator circuit operating from a voltage (Vref) that follows the type two phased locked loop voltage, and being configured in combination with the rest of the limitations of the base claims and any intervening claims.

Conclusion


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Klemmer (US 6,420,917) is cited as of interest because it discloses a PLL loop filter with switched-capacitor resistor circuit.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai L. Nguyen whose telephone number is 571-272-1747 and Right Fax number is 571-273-1747. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on 571-272-1740. The official fax phone number for the organization where this application or proceeding is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1562.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HLN 
April 18, 2005



TIMOTHY P. CALLAHAN
SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 2800